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PTO/SB/61 (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: EUGENE MATZEN

Art Unit: 3617

Application Number: 10/772,535

Examiner: FRANZ JULES

Filed: 02/06/2004

Title: SYSTEM FOR DETECTION OF DEFECTS
IN RAILROAD CAR WHEELS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ 250- (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
AN AMENDMENT (identify the type of reply):

☒ has been filed previously on 09/06/2005

☒ is enclosed herewith.

10/24/2006 AWONDAF1 00000052 10772535

B The issue fee of \$ _____

01 FC:2452

250.00 OP

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Adjustment date: 12/01/2006 CKHL01
10/24/2006 AWONDAF1 00000052 10772535
01 FC:2452

-250.00 OP

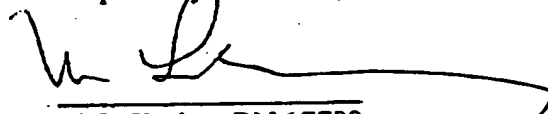
Refund Ref: 12/01/2006 CKHL0K 0000154993

CHECK Refund Total: \$250.00

- c) Use of acoustical signals over the full range, not just the range above 100 Hz.
 - d) Using frequency domain conversion rather than a complex digital processing technique; applicant specifically uses an FFT device (claim 5) to get the spectrum
- a) and b) improves signal processing and reduces interference (see last paragraph on page 1).
- b) enables earlier detection of wheel defects—rather than relying on harmonic, which manifests defects only after they become catastrophic. Early detection enables taking the car out of service while it can still roll to the repair yard. A test can be completed before a catastrophe, which can shut down the rail line.

Since a system having the forgoing improvements is not foreshadowed by Hallberg, the invention as claimed in the amended claims, let alone the features of the dependent claims, would not have been obvious to anyone skilled in the art, the allowance of applicant's claims is believed to be in order and is respectfully solicited.

Respectfully submitted,




M. LuKacher, RN 17788
Upstate CTC
63 Winding Creek Lane
Rochester, NY 14625

6 September 2005

Certificate of Mailing

This response was mailed to the above address by 1st class US mail on 6 September 2005 by the undersigned.



Alexander E. Martens

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>11/30/06</u>		2 Serial/Patent # <u>10772535</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
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	Notice of Appeal/Appeal			\$						
	Petition (2452)			\$ 250.00						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
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			\$ 250.00							
10 REASON:		8 TO BE REFUNDED BY:								
		X Treasury Check								
		Credit Deposit A/C #:								
		9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px; text-align: center;">--</td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>					--			
		--								
X No Fee Due (Explanation):										
The holding of abandonment was withdrawn										
11 REFUND REQUESTED BY: <u>Christina T. Donnell</u>										
TYPED/PRINTED NAME: <u>Christina T. Donnell</u>		TITLE: <u>Petitions Attorney</u>								
SIGNATURE: <u>C. T. Donnell</u>		PHONE: <u>272-3211</u>								
OFFICE: <u>4700</u>										
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APPROVED: <u>[Signature]</u>		DATE: <u>12/11/06</u>								

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